

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 536 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

BENABEN RAMBHAI PATEL

Versus

STATE OF GUJARAT & ORS

Appearance:

MR CJ VIN for Petitioner

Ms MANISHA LAVKUMAR, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

Heard Mr CJ Vin, learned counsel for the
petitioner and Ms Manisha Lavkumar, learned AGP for the
respondents.

2. In this petition, the petitioner has challenged
the order dated 12.11.1992 passed by the State Government
under Section 34 of the Urban Land (Ceiling &
Regulation) Act, 1976 declaring 7667 sq.mtrs. of the
petitioner's land as excess vacant land and directing the

Competent Authority to proceed further in the matter. The Competent Authority has not gone beyond the stage of Section 9 of the Act and the possession of the land has not been taken over from the petitioner, which fact is not in dispute in view of the instructions contained in the letter No. KS/30SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)

sundar/-